

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RYNE SHETTERLY, derivatively on behalf  
of DOCGO INC.,

Plaintiff,

v.

LEE BIENSTOCK, MICHAEL BURDIEK,  
ANTHONY CAPONE, STEVEN KATZ,  
VINA LEITE, ANDRE OBERHOLZER,  
NORMAN ROSENBERG, IRA SMEDRA,  
ELY D. TENDLER, JAMES M. TRAVERS,  
and STAN VASHOVSKY,

Defendants,

-and-

DOCGO INC.,

Nominal Defendant.

Civil Action No.: 1:24-cv-01006-RGA

**STIPULATION AND [PROPOSED] ORDER FOR VOLUNTARY DISMISSAL  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i) and 23.1(c)**

**WHEREAS**, plaintiff Ryne Shetterly (“Plaintiff”) commenced a stockholder derivative action on behalf of DocGo, Inc. (“DocGo” or the “Company”), *Shetterly v. Bienstock et al.*, No. 1:24-cv-04155 (S.D.N.Y.) on May 30, 2024;

**WHEREAS**, the United States District Court for the Southern District of New York transferred this action to this Court on August 29, 2024 (D.I. 8);

**WHEREAS**, Defendants<sup>1</sup> and Plaintiff (collectively, the “Parties”) filed a Stipulation to Stay Derivative Action (the “Stay Stipulation”) on November 4, 2024 (D.I. 16);

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<sup>1</sup> “Defendants” refers to Lee Bienstock, Michael Burdick, Anthony Capone, Steven Katz, Vina Leite, Andre Oberholzer, Norman Rosenberg, Ira Smedra, Ely D. Tandler, James M. Travers, Stan Vashovsky, and nominal defendant, DocGo.

**WHEREAS**, the Court issued an Oral Order on November 4, 2024 rejecting the Stay Stipulation and directing Defendants to file a responsive pleading or a motion to dismiss with an opening brief on or before December 2, 2024;

**WHEREAS**, the Parties have met and conferred regarding how to best proceed;

**WHEREAS**, Plaintiff has determined to voluntarily dismiss the Action in order to pursue his remedies under Delaware state law;

**WHEREAS**, Defendants have filed neither an answer nor a motion for summary judgment in the Action;

**WHEREAS**, neither Plaintiff nor his counsel have received or been promised any consideration in exchange for dismissal of the Action;

**WHEREAS**, the rights of the Company and stockholders will not be adversely affected, nor prejudiced by dismissal of the Action without prejudice because of Plaintiff's determination to pursue remedies under Delaware State law;

**WHEREAS**, DocGo does not object to Plaintiff's request for voluntary dismissal.

**THEREFORE, THE PARTIES STIPULATE, SUBJECT TO COURT APPROVAL:**

1. Plaintiff dismisses the above-captioned action without prejudice pursuant to Rule 41(a)(1)(A)(i) and 23.1(c);

2. Notice to the stockholders pursuant to Fed. R. Civ. P. 23.1 is unnecessary because no answer or motion for summary judgment has been filed; neither Plaintiff nor his counsel have received or been promised any consideration in exchange for the dismissal; there has been no settlement or compromise of any claims; and the rights of the Company and stockholders will not be adversely affected, nor prejudiced by the dismissal of the Action without prejudice.

Dated: November 25, 2024

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IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Honorable Richard G. Andrews  
United States District Court Judge